

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

JOHN PLAINTIFF, an individual,

Plaintiff,

v.

Case No: 20-cv-11718

WAYNE STATE UNIVERSITY, WAYNE
STATE UNIVERSITY SCHOOL OF
MEDICINE, NIKOLINA CAMAJ, MATT
JACKSON, RICHARD S. BAKER, and R.
DARIN ELLIS, in their individual and official
capacities, jointly and severally,

Hon. Gershwin A. Drain
Mag. Judge David R. Grand

Defendants.

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**DEFENDANTS' MOTION FOR LEAVE TO FILE THEIR RESPONSE TO
PLAINTIFF'S MOTION TO PROCEED ANONYMOUSLY UNDER SEAL**

Defendants Wayne State University, Wayne State University School of Medicine, Nikolina Camaj, Matt Jackson, Richard S. Baker, and R. Darin Ellis, move under Local Rule 5.3(b)(3)(A) for leave to file their Response to Plaintiff's Motion to Proceed Anonymously under seal, and in support say:

1. On September 28, 2020, Plaintiff filed a motion to proceed anonymously. (*See* R. 8.)

2. Defendants oppose Plaintiff's motion and seek to file their Response under seal for the limited purpose of deciding Plaintiff's motion. E.D. Mich. LR 5.3(b)(3)(A)(i).

3. The request to file Defendants' Response under seal is meant only to preserve the integrity of the Court's decision on Plaintiff's motion. There are no third-party privacy interests at stake. E.D. Mich. LR 5.3(b)(3)(A)(ii).

4. Defendants Response has not been designated as "confidential" under a protective order. E.D. Mich. LR 5.3(b)(3)(A)(iii)

5. Defendants' request to file their Response under seal is compelled by the logic and fairness of the situation. E.D. Mich. LR 5.3(b)(3)(A)(iv). Plaintiff has asked this Court to allow him to litigate this case without using his real name. Defendants strongly oppose that request, in part, because Plaintiff is a "public figure." But Defendants cannot provide the details of Plaintiff's public figure status

without giving away his identity. Publicly disclosing those details would effectively moot Plaintiff's request, usurping this Court's authority to decide the motion.

6. Defendants' request is narrowly tailored. Filing under seal is the only mechanism to ensure that this Court has all the information it needs to decide the motion while preserving the integrity of the decision-making process. If this Court denies Plaintiff's motion to proceed anonymously, Defendants' Response can be unsealed. *See Doe v. Pittsylvania Cty., Va.*, 844 F. Supp. 2d 724, 732 (W.D. Va. 2012) (unsealing evidence filed in connection with motion to proceed anonymous after denying the motion).

7. Many courts and local rules permit filing documents like this under seal. *See, e.g.*, S.D. Ind. L.R. 10-1 (requiring litigants to file notice of intention to proceed pseudonymously stating the litigant's true name under seal); *N. Jersey Media Grp. Inc. v. Doe Nos. 1-5*, No. 12-cv-6152, 2012 WL 5899331, at *2 (S.D.N.Y. Nov. 26, 2012)¹ (granting leave to file declaration in support of motion to proceed anonymously "under seal to protect the name and identifying information of the defendant pending resolution of the . . . motion"); *Doe v. Pittsylvania Cty., Va.*, 844 F. Supp. 2d 724, 727 (W.D. Va. 2012) (authorizing evidence relating to motion to proceed anonymously be filed under seal).

¹ Unpublished cases cited in this motion are submitted as Ex. 3.

8. Plaintiff agrees with this request for relief. *See* E.D. Mich. LR 7.1. (*See* Ex. 1, Concurrence Email Chain Excerpt.)

9. A redacted version of the Response is filed as an exhibit to this motion. E.D. Mich. LR 5.3(b)(3)(A)(v). (*See* Ex. 2.)

10. An unredacted version of the Response is being filed under seal for the limited purpose of resolving this motion to file under seal. E.D. Mich. LR 5.3(b)(3)(A)(vi). The unredacted version contains highlighting indicating the portions of the Response that are the subject of this motion.

For these reasons, Defendants respectfully request leave to file their Response to Plaintiff's Motion to Proceed Anonymously under seal for the sole purpose of the Court deciding Plaintiff's motion.

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Dated: October 21, 2020

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2020 I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to all ECF participants.

/s/Elizabeth Hardy

Elizabeth Hardy

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